

ORDINANCE NO. 1542

AN ORDINANCE OF THE LODI CITY COUNCIL  
REPEALING AND REENACTING CHAPTER 5.36 OF THE LODI MUNICIPAL CODE  
REGULATING THE USE AND OPERATION OF AMBULANCES UPON  
THE PUBLIC STREETS WITHIN THE CITY OF LODI

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 5.36 is hereby repealed in its entirety and a new Chapter 5.36 is hereby reenacted to read in full as follows:

Chapter 5.36

Regulating the Use and Operation of Ambulances  
Upon the Public Streets Within the City of Lodi

Section 5.36.010. Purpose. The purpose of this division is to:

- (1) Enact formal policies and regulations for licensing and regulating the operation of ambulances;
- (2) Protect the public **by** assuring that ambulances operate safely;
- (3) Protect the public from unsafe and unsanitary operation of ambulances;
- (4) Allow for adequate emergency ambulance service and non-emergency ambulance services in all areas of the County; and
- (5) Allow for the orderly and lawful operation of a local emergency medical services system pursuant to the provisions of Health and Safety Code Section 1797 et seq.

Section 5.36.020. Exemptions.

(1) This division shall not apply:

(a) to vehicles operated as ambulances and to persons engaged in the ambulance service where ambulance services are rendered at the request of any county communications center or at the request of any law enforcement or fire protection agency during a "state of war emergency", state of emergency", or "local emergency" as defined in Government Code Section 8558 or during a period (not over 30 days, but renewable every 30 days) when the county officials have determined that adequate emergency ambulance service will not be available from existing permittee;

(b) to vehicles operated as ambulance and to persons engaged in the ambulance service where ambulance services are rendered exclusively to patients who become in need of ambulance service while on or in the place of business of the person and where no charge is made for the ambulance services rendered, provided, however, that if the vehicle is going to travel Code 3 or its equivalent, the appropriate communications center shall be so notified of this fact;

(2) This division shall not prevent any peace officer, fire fighter, or physician licensed to practice medicine in this State, from arranging for the transportation of an individual, in need of emergency medical care when no ambulance with an appropriate ambulance service permit is available and such transportation is required immediately for the preservation of life or to avoid substantial impairment of the person to be transported.

Section 5.36.030. Definitions. Unless otherwise specifically provided or required by the context, the following terms shall have the meanings set forth in this chapter.

A. "Ambulance" means a vehicle specially constructed, modified or equipped and used for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons. Ambulance does not include the non-emergency transportation of persons confined to wheelchairs.

B. "Ambulance attendant" means a person who is minimally certified as an Emergency Medical Technician I - Ambulance (EMT-IA) whose primary duty is to care for the sick, injured or disabled persons while they are being transported in an ambulance.

C. "Ambulance driver" means a person properly licensed by the State of California as an ambulance driver and who is minimally certified as an Emergency Medical Technician I - Ambulance (EMT-IA).

D. "Ambulance Operator's Permit" means written authorization by the City to provide emergency and non-emergency ambulance service within the City.

E. "Ambulance provider" means a person, firm, partnership, corporation or other organization which furnishes or offers to furnish ambulance service within a zone.

F. "Ambulance service" means the activity, business or service, for hire, profit or otherwise, of transporting one or more persons by ambulance on or in any of the streets, roads, highways, alleys, or any public way or place in this County.

G. "City" means the City of Lodi.

H. "Code I, II, and III" calls mean as follows:

- 1) "Code I means routine or scheduled transportation of patient between facilities or to a facility for normal (non-emergency) treatment.
- 2) "Code II" means an emergency where time is critical, requiring immediate response by the ambulance providers, without red light and siren.
- 3) "Code III" means an emergency where time is critical, requiring immediate response with red light and siren.

I. "Designated dispatch center" means a dispatch center designated by the County for dispatch within a zone(s) for emergency ambulance service.

J. "Dry run" means any ambulance response made as a result of any emergency call whereupon after responding to said call it is found that no ambulance is needed.

K. "Emergency call" means a request for an ambulance to transport or assist persons in apparent sudden need of medical attention; or, in medical emergency, as determined by a physician, to transport blood, or any therapeutic device, accessory to such device, or tissue or organ for transplant.

L. "Emergency Medical Technician I Ambulance (EMT-IA)" means an individual trained and certified in basic life support care in accordance with the provisions contained in Title 22, California Code of Regulations, Division 9, et seq.

M. "Emergency Medical Technician Paramedic (EMT-P)" means an individual trained and certified in advanced life support care in accordance with the provisions contained in Division 2.5 of the

California Health and Safety Code and such additional requirements as the San Joaquin County EMS Agency may adopt.

N. "Emergency response zones" means the areas shown on the map entitled "Emergency Response Zones of San Joaquin County" on file in the office of the Sheriff and the Clerk of the Board, and as it may be changed from time to time by the San Joaquin County Board of Supervisors.

O. "Emergency Response Zone List" means that list of permittees for each emergency response area who possess an emergency ambulance service permit.

P. "Emergency service" means the service performed in response to an emergency call. Emergency service also includes transportation of a patient, regardless of a presumption of death of the patient, or transportation of a body for the purpose of making an anatomical gift, as provided in Vehicle Code Section 12811, and the Uniform Anatomical Gift Act, Health and Safety Code.

Q. "Non-emergency call" means an ambulance call for a purpose other than emergency.

R. "Permit Officer" means the County Director of Health Care Services or his/her designee.

S. "Person" means any natural person, firm, partnership, association, company, corporation, or organization of any kind.

T. "Private call" means any call that is received by the ambulance provider directly from a private party for services.

## PERMITS

### Section 5.36.040. Permit Required.

No person (either as owner, agency or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in the ambulance service unless the person holds (and is entitled to hold) a currently valid ambulance operator's permit. No permit is required for the delivery of persons picked up outside the City boundaries that transport into the City.

### Section 5.36.050. Application - Forms.

Each application for an ambulance operator's permit shall be made upon forms prescribed by the Permit Officer.

### Section 5.36.060. Application - Required Data.

(a) Each applicant who desires an ambulance operator's permit shall submit the following data:

(1) The names and addresses of the applicant, registered owner, partner, officer, director and controlling shareholder;

(2) The applicant's training and experience in the transportation and care of patients;

(3) The name under which the applicant has engaged, does, or proposes to engage in ambulance service;

(4) A financial statement for the previous fiscal year, prepared by a Certified Public Accountant;

(5) A description of each ambulance, including: the make, model, year of manufacture, vehicle identification number, current

State license number, the length of time the vehicle has been in **use**; and the color scheme, insignia, name monogram and other distinguishing characteristics of the vehicle;

(6) A statement that the applicant owns or has under his control, in good mechanical condition, required equipment to consistently provide quality ambulance service in the area for which he is applying, and that the applicant owns or has access to suitable facilities for maintaining his equipment in a clean and sanitary condition.

(7) A description of the company's program for maintenance of the vehicles;

(8) A description of the number and type, frequency and private line codes of the vehicles' radios;

(9) A description of the locations from which ambulance services will be offered, noting the hours of operation;

(10) A list, giving the name and description of the training for each ambulance attendant and driver and a copy of each certificate or license issued by the State or County establishing qualifications of such personnel, amended **as** required during the year by providing the Permit Officer an updated list for any personnel changes;

(11) A description of the company's training and orientation programs for attendants, dispatchers, and drivers;

(12) A statement of the legal history of the applicant, including criminal and civil convictions;

(13) Evidence of insurance coverage under Section 5.36.380;

(14) The ability of the applicant to provide emergency ambulance service within established response times for each emergency response

area applied for, twenty-four hours per day, seven days per week, year round;

(15) All service charges and rate structure of the company;

(16) Whether the service will include advanced life support service, and if so:

(a) the number of advanced life support units to be deployed on each shift; and

(b) the emergency response zone to receive advanced life support service; and

(c) the provisions for continuing education of the advanced life support personnel

(17) An affirmation that the applicant possesses and maintains currently valid California Highway Patrol Inspection Reports for each vehicle listed in the application, and submit a copy of the license issued by the Commissioner of the California Highway Patrol to privately owned ambulance companies (in accordance with Section 2501, California Vehicle Code);

(18) The applicant may be required to submit such other information as the Permit Officer deems necessary for determination of compliance with this division.

#### Section 5.36.070. Application - Investigation.

Upon receipt of a completed application and the required fee, the Permit Officer shall make or cause to be made such investigation to determine if:

(a) The applicant meets the requirements of this division and of other applicable laws, ordinances, and regulations; and



(b) that the radio in each vehicle is installed, is in good working order, and is integrated with the existing medical communications systems.

Section 5.36.080. Application - Issuance.

Within ninety (90) days of receipt of an application, the Permit Officer shall make a determination of (1) whether the applicant meets all requirements of this division; (2) whether the public health, safety, and welfare require the granting of a permit. In making such determination, the Permit Officer shall consider, among other things, the demand and necessity for ambulance service, and the adequacy of existing service(s); (3) whether the applicant is able to provide the requested service; (4) whether the applicant has knowingly made a false statement of fact in such application; (5) whether the applicant has knowingly failed to disclose facts pertinent to the application; and (6) whether the applicant was previously a holder of a permit issued under this ordinance which has been revoked or not renewed based on the provisions of this division. All determinations by the Permit Officer shall be subject to final approval by the City Council.

Section 5.36.090. Application - Denial.

If it is determined that the applicant does not meet all requirements within this division, then the Permit Officer shall deny the application and notify the applicant in writing within ninety (90) days of the receipt of the application.

Section 5.36.100. Appeal from Denial of Issuance.

Whenever the Permit Officer denies an application for a permit, the applicant may request a hearing on the denial at which the applicant will have the burden of proof. The appeal will be made to the Board of Supervisors and a hearing scheduled within thirty (30) days of the applicant's written request for hearing. When the Permit Officer issues an Ambulance Operator's Permit, the existing service within the response zone may file an appeal with the Board of Supervisors. A hearing on the request shall be scheduled within thirty (30) days of the written request for an appeal.

Section 5.36.110. Decisions: Finality.

The decision of the Permit Officer rendered pursuant to this Chapter shall be final, unless appealed to the Board of Supervisors within thirty (30) days after such decision is rendered in writing, and notice of the same is given to the applicant by certified mail.

Section 5.36.120. Term.

Permits shall continue unless suspended, revoked or terminated for cause.

Section 5.36.130. Application - Change of Data.

The applicant and permittee shall report to the Permit Officer any change in data required in Section 5.36.060 within ten (10) days of the effective date of the change, except that any change in the data

required in Section 5.36.060, subdivision (a)(1) and subdivision (a)(17) shall be reported immediately.

Section 5.36.140. Transfer of Permits.

**No** permit shall be transferred to another person except upon prior approval of the Permit Officer. Application for transfer of any ambulance operator's permit shall be subject to the same terms, conditions, and requirements as if the application were for an original permit.

Section 5.36.150. Renewal of Permit.

Applicants for renewal of an ambulance operator's permit under this division shall annually file with the Permit Officer an application in writing on a form furnished by the Permit Officer, which shall include information required in Section 5.36.060. The application for renewal shall be accompanied by a renewal fee.

Section 5.36.160. Fees.

**The** Board of Supervisors shall set the fees by resolution. The fees shall not exceed the reasonable costs of administering and enforcing this ordinance as determined by the Board of Supervisors.

PERSONNEL STANDARDS

Section 5.36.170. Driver and Attendants.

(a) Any ambulance attendant or driver utilized by a permittee

shall be at least eighteen (18) years of age; shall be trained and competent in the proper use of all emergency ambulance equipment; shall hold current certification as an Emergency Medical Technician I-Ambulance (EMT-IA); and shall demonstrate compliance with all applicable State laws and regulations.

(b) Certificate required. Every ambulance driver and attendant utilized by a permittee shall hold a certificate from the Permit Officer indicating compliance with the requirements of this section. A temporary certificate may be issued pending confirmation of all personnel requirements.

(c) Application. Applications for such certificate shall be in the form required by the Permit Officer and shall be accompanied by the fee established by resolution of the Board of Supervisors.

(d) Denial, Suspension or Revocation. Certificate may be denied, suspended or revoked by the Permit Officer if he finds, after an informal hearing, that the applicant does not comply with the requirements of this section.

(e) Criminal Investigations. All applicants for ambulance driver/attendant certification must undergo a complete criminal history record check prior to issuance of a permanent certificate.

(f) Term. The certificate shall remain in effect for no more than two (2) years, with an expiration date to correspond to the applicant's EMT-IA or EMT-P certificate.

Section 5.36.180. Uniform and Appearance.

Each person providing ambulance service subject to permit under this division shall staff each ambulance with appropriate personnel who shall wear clean uniforms, be neat and comply with the requirements of this division.

Section 5.36.190. Dispatchers.

Each person providing ambulance service subject to permit under this division shall assign at least one person or an agency to be responsible for receiving calls and dispatching ambulances and shall provide such dispatch services on a twenty four (24) hour day basis and shall train the dispatcher in accordance with a curriculum developed by the Permit Officer to radio operation and protocols and to the emergency response zones.

Section 5.36.200. Identification.

Each person providing ambulance service subject to permit under this division shall wear while on duty an identification badge issued by the County Permit Officer that is clearly visible to the public. The badge shall identify the training and certification status of the attendant or driver. The badge shall be turned back to the Permit Officer in the event of changes of information on the badge.

Section 5.36.210. Response.

The on-duty ambulance driver and attendant responding to

emergency calls shall be within the zone of response on a **twenty-four** (24) hour basis.

Section 5.36.220. Exemption.

An ambulance driver or ambulance attendant who is a California licensed physician, Mobile Intensive Care Nurse, Authorized Registered Nurse, or EMT-P with certification by the EMS Medical Director shall be exempt from the emergency medical training requirement set forth in Section 5.36.170,

VEHICLE COMPLIANCE

Section 5.36.230. Required.

Every emergency ambulance shall carry a valid California Highway Patrol Inspection Permit authorizing the use of the vehicles as an ambulance.

Section 5.36.240. Inspection.

The ambulance provider shall allow the Permit Officer or designee to inspect, on a pre-announced or unannounced basis all ambulances used to provide ambulance service. The inspections should be held, whenever possible, during normal business hours. The purpose of such inspections may include, but shall not be limited to, determining if:

(1) the ambulance is properly maintained and equipped for the provision of ambulance service;

(2) the description of the ambulance, required by Section 5.36.060 is accurate;

(3) the ambulance contains radios and that the radios are in good working order and that the radios are compatible with the emergency medical communications system.

#### PERMIT SUSPENSION OR REVOCATION

##### Section 5.36.250. Authority.

The Permit Officer may suspend or revoke an ambulance operator's permit for failure to comply and maintain compliance with, or for violation of, any applicable provisions, standard or requirements of state law or regulation, of this division, or of any regulations promulgated hereunder. Additionally, the Permit Officer may suspend or revoke a permit if (1) the permittee fails to make and retain records showing its dispatch operations, or fails to make such records available for inspection by the Permit Officer or his designee; or (2) the permittee accepts an emergency call when it is either unable or unwilling to provide the requested service or fails to inform the person requesting such service of any delay and fails to obtain consent of such person before causing an ambulance to respond from a location more distant than the one to which the request was directed. Suspension is not a condition precedent to revocation.

##### Section 5.36.260. Notice Issuance.

Before suspension or revocation, the Permit Officer shall give written notice to the permittee specifying why such action is

contemplated and giving the permittee a reasonable period of time (not less than seven (7) nor more than fifteen (15) days) to comply with the provisions in question or to show cause against suspension or revocation and setting a date for hearing thereon.

Section 5.36.270. Hearing.

At the hearing, the Permit Officer has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the permittee.

Section 5.36.280. Emergency Action.

The permit Officer may reduce the period of time for compliance under a suspension or revocation notice to no less than twenty four (24) hours and set the matter for hearing immediately upon expiration of said period when the Permit Officer makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When, as a result of such an emergency proceeding, a permit is suspended or revoked, the permittee may request an additional hearing at which the permittee will have the burden of establishing renewed compliance justifying reinstatement of the permit. Such additional hearing will be commenced within five (5) days of the permittee's request. The request for, or the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.



Section 5.36.290. Evidence.

In hearings conducted pursuant to this Chapter, evidence must be relevant, noncumulative, and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. So far as practicable, the hearing shall be conducted under Section 11513 of the Government Code and witnesses may be examined under Section 776 of the Evidence Code.

Section 5.36.300. Hearing Officer.

Hearings conducted pursuant to this Chapter shall be conducted before a hearing officer designated by the County Administrator. The hearing officer may issue subpoenas for the production of documents or the attendance of witnesses. The hearing officer shall determine whether oral evidence at the hearing shall be recorded by a court reporter. At the conclusion of said hearings, the hearing officer shall promptly prepare a written summary of the evidence and proposed findings and conclusions for consideration by the Permit Officer. The parties all equally bear the expense of the hearing officer and the cost of the hearing. Each party shall bear its own expenses.

Section 5.36.310. Decision.

The Permit Officer shall issue a written decision within thirty (30) days after conclusion of the hearing.

## EMERGENCY RESPONSE

### Section 5.36.320. General Requirements.

When responding to an emergency call or operating "Code 3", the ambulance driver shall ensure by his action or his company's dispatcher that the radio is activated, that the appropriate designated dispatch center is notified, that the unit is responding to an emergency call or operating "Code 3". When the unit is responding to a County dispatched call, the unit shall comply with all orders and directions given by the designated dispatch center.

### Section 5.36.330. Level of Response.

An Advanced Life Support Unit shall be the primary unit dispatched to all emergency calls to treat and transport the sick, injured, and disabled person or persons and shall be staffed by a minimum of one (1) Emergency Medical Technician/Paramedic and one (1) Emergency Medical Technician (IA). Should an Advanced Life Support Unit not be available, a Basic Life Support Unit shall be dispatched and shall be staffed with a minimum of two (2) Emergency Medical Technicians (IA).

Section 5.36.340. Preparation of Zone Lists.

The Permit Officer shall prepare and keep up-to-date the emergency response zone lists. The Permit Officer shall include on the list for each emergency response zone the ambulance service provider who has possession of a valid emergency ambulance service permit with the County as well as the ambulance service providers who will provide back-up emergency ambulance service for that zone.

MISCELLANEOUS PROVISIONS

Section 5.36.350. Renewal of Permits.

Renewal of an ambulance operator's permit and an emergency service permit shall require conformance with all requirements of this division as upon issuance of an initial permit. Nothing in this division shall be construed as requiring the granting of a permit upon expiration of a previous permit, and the burden of proof respecting compliance with all the requirements for a period, and of entitlement of a permit shall remain at all times with the applicant for renewal.

Section 5.36.360. Advertising.

No ambulance service permittee under this division shall announce, advertise, offer, or in any way claim that:

(1) it provides emergency ambulance service unless it possesses a current, valid, emergency ambulance service permit for the emergency response zones where it is claiming to provide such service; or

(2) it provides advance life support services unless it **actually** provides such service, in those zones for which it has a permit.

Section 5.36.370. Adoption by local Jurisdictions.

Upon adoption of this ordinance by a city, the County Permit Officer shall have enforcement powers within the city.

Section 5.36.380. Liability Insurance.

The permittee shall obtain and keep in force during the term of said permit, a policy of insurance and in such form as the City's Risk Manager may deem proper, executed by an insurance company approved by the Risk Manager, whereby the owner and the driver of each of the vehicles described in said permit are insured against liability for damage to property and for injury to or death of any person as a result of the ownership, operation or other **use** thereof, the minimum liability limits upon each such vehicle being as adopted from time to time by resolution of the City Council.

Such policy of insurance shall contain an endorsement naming the City as an additional insured, and under which it is stipulated that the City is indemnified and held harmless from and against all costs, expenses, and liability arising out of, or based upon any and all property damage, or damages for personal injuries, including death, which results or is claimed to have resulted from any act or omission on the part of ambulance operator or ambulance operator's agents or employees.

In addition to the additional named insured endorsement on ambulance operator's policy of insurance, said insurance policy shall be endorsed to include the following language:

"Such insurance as is afforded by the endorsement for the Additional Insured's shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the coinsurance afforded by this endorsement."

Such policy of insurance shall contain an endorsement providing that said policy will not be cancelled until notice in writing shall have been given to the City of Lodi, addressed in care of the City's Risk Manager, City Hall, Lodi, California at least ten days immediately prior to the time such cancellation shall become effective. A duplicate or certificate of said public liability and property damage insurance containing the above-stated required endorsements shall be delivered to the Risk Manager within ten (10) days after the issuance and **renewal** of said policy.

Section 5.36.390. Financial Responsibility.

(1) An ambulance provider shall annually submit to the Permit Officer, within ninety (90) days of the close of each business year, a financial statement of its business activities, prepared by a Certified public Accountant. Renewal of a permit is contingent upon submission of a financial statement within the proper time frames.

(2) An ambulance provider shall provide the Permit Officer with information in reference to any pending action or unpaid judgments or liens against the provider, and the notice of the transactions or acts giving rise to said judgments or liens. The ambulance provider shall notify the Permit Officer in writing of said actions within one (1) week of the notification from the levying agency. The reported information will be reviewed by the Permit Officer who will make a determination regarding the effect this information will have on the agency's ability to provide continuous service in accordance with Section 5.36.060(a)( 14).

Section 5.36.400. Unauthorized Response.

No ambulance service permittee under this division shall cause or allow its ambulance to respond to a location without first receiving a specific request for such service at that location.

Ambulance service permittees shall cooperate with the Permit Officer, or designee, in any investigation of possible violations of this section and shall make all dispatch logs and similar dispatch records available for inspection and copying at reasonable times at the permittee's regular place of business.

Section 5.36.410. Response.

(1) When responding to a public dispatched emergency call or a private emergency call, the ambulance provider shall comply with the request of the patient, the on-scene paramedic or law

enforcement officer regarding transportation of the injured or ill party(ies).

(2) Ambulance response (Code I, II, III) to private calls must be consistent with the medical condition or injuries stated in the request for help.

Section 5.36.420. Regulation.

The Permit Officer shall make necessary and reasonable rules and regulations covering ambulance service operation, ambulance transport equipment, ambulance personnel, and standards of dispatch for the effective and reasonable administration of this division. Prior to adoption, said regulations shall be submitted to the Emergency Medical Care Committee for their comments prior to adoption.

Section 5.36.430. Rates.

The Board of Supervisors may set by resolution the rates that ambulance providers may charge for providing services under this ambulance ordinance.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 5th day of February 1992

  
JAMES W. PINKERTON, JR.  
Mayor

Attest:

  
ALICE M. REIMCHE  
City Clerk

=====


State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1542 was introduced at a regular meeting of the City Council of the City of Lodi held January 15, 1992 and was thereafter passed, adopted and ordered to print at an adjourned regular meeting of said Council held February 5, 1992 by the following vote:

Ayes:	Council Members - Hinchman, Pennino, Sieglock, Snider and Pinkerton (Mayor)
Noes:	Council Members - None
Absent:	Council Members - None
Abstain:	Council Members - None



I further certify that Ordinance No. 1542 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form

  
BOBBY W. McNATT  
City Attorney

ORD1542/TXTA.01V